

**REMARKS**

Claims 1-39 have been examined. By this Amendment, Applicant is adding a new independent claim. Claims 1-40 are pending in the Application. Applicant submits that no new matter has been added and amendments to the claims and drawings are supported in the specification.

**1. Formalities:**

Applicant thanks the Examiner for acknowledging the claim for foreign priority and for confirming that the certified copy of the priority document has been received.

Applicant thanks the Examiner for initialing the references listed on form PTO-1449 submitted with the Information Disclosure Statements filed on April 26, 2000 and May 28, 2002.

**2. Objections to the Specification:**

The Examiner has objected to the Specification because the title of the invention is allegedly not descriptive. Applicant has rewritten the title and requests that the objection to the specification be withdrawn.

**3. Objection to the Drawings:**

The Examiner has objected to the drawing because in Figure 11, step C1, the word "cleate" should read "create." Applicant has corrected this minor typographical error.

Applicant is submitting eleven replacement drawing sheets that include Figures 1-12. In addition to the typographical error in Figure 11, Applicants has corrected the following typographical errors:

1. Figure 4. Element 80 now reads "receiving section" instead of "transmitting section."

2. Figure 8. Element 100 now reads "transmitting section" instead of "receiving section."

3. Figures 9 and 10. The label "VH" has been corrected to read "VPI."

**4. Claim Rejections under 35 U.S.C. § 102:**

The Examiner has rejected claims 1, 2, 5, 8-15, 18, 21-28, 31 and 34-39 under 35 U.S.C. § 102(e) as being anticipated by Petersen et al. (US 5,978,375) ["Petersen"]. For at least the following reasons, Applicant traverses the rejections.

Claims 1 recites that a data transfer system comprises "a packet selecting section for selecting only one or more specified packets out of a plurality of packets received in a serial manner over a serial bus, based on header information included in each of the plurality of received packets" and "a packet creating section for collecting said one or more specified packets selected by said packet selecting section, in order of received timing, to create a transfer packet."

Applicant submits that these features are not disclosed or remotely suggested by Petersen and requests that the rejection of claim 1 be withdrawn.

In addition, Applicant submits that the Examiner has misinterpreted the microcells of Petersen. The Examiner alleges that the microcells of Petersen are the transfer packets of the claimed combination (see Office Action, page 3). The microcell of Petersen is not identical with the "transfer packet" of the present invention. Petersen discloses that the size of the microcell is established at the time of connection so as to fit a packet (col. 8, lines 49-57). Therefore, Applicant submits that the size of the microcell stored in the ATM appears to have a fixed length. In contrast, the length of the transfer packet of the present invention is variable (see Fig.

2). Therefore, Applicant submits that Petersen does not disclose or remotely suggest the transfer packet of the claimed combination.

Because independent claims 14 and 27 recite similar features, Applicant submits that these claims are patentable for at least the reasons given above.

Claims 5, 18 and 31 depend on claims 4, 17 and 30 respectively. Because claims 4, 17 and 30 were rejected under 35 U.S.C. § 103, Applicant submits that the rejection of these claims under § 102 is improper and requests that their rejections be withdrawn.

Because claims 2 and 8-13 depend on claim 1, Applicant submits that these claims are patentable at least by virtue of their dependency.

Because claims 15 and 21-26 depend on claim 14, Applicant submits that these claims are patentable at least by virtue of their dependency.

Because claims 28 and 34-39 depend on claim 27, Applicant submits that these claims are patentable at least by virtue of their dependency.

#### **5. Claim Rejections under 35 U.S.C. § 103:**

The Examiner has rejected claims 3, 4, 16, 17, 29 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Petersen in view of Murakami (US 6,084,889) ["Murakami"]. Applicant traverses.

Because claims 3 and 4 depend on claim 1 and Murakami does not cure the deficient teachings of Petersen with respect to features described above, Applicant submits that claims 3 and 4 are patentable at least by virtue of their dependency.

Because claims 16 and 17 depend on claim 14 and Murakami does not cure the deficient teachings of Petersen with respect to features described above, Applicant submits that claims 16 and 17 are patentable at least by virtue of their dependency.

Because claims 29 and 30 depend on claim 27 and Murakami does not cure the deficient teachings of Petersen with respect to features described above, Applicant submits that claims 29 and 30 are patentable at least by virtue of their dependency.

The Examiner has rejected claims 6, 7, 19, 20, 32 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Petersen in view of Laubach et al. (US 6,081,533) ["Laubach"]. Applicant traverses.

Because claims 6 and 7 depend on claim 1 and Laubach does not cure the deficient teachings of Petersen with respect to features described above, Applicant submits that claims 6 and 7 are patentable at least by virtue of their dependency.

Because claims 19 and 20 depend on claim 14 and Laubach does not cure the deficient teachings of Petersen with respect to features described above, Applicant submits that claims 19 and 20 are patentable at least by virtue of their dependency.

Because claims 32 and 33 depend on claim 27 and Laubach does not cure the deficient teachings of Petersen with respect to features described above, Applicant submits that claims 32 and 33 are patentable at least by virtue of their dependency.

#### **6. New Claims:**

Applicant has added one new independent claim. Applicant submits that no new matter has been added and the new claim is patentable by virtue of the limitations set forth therein.

AMENDMENT UNDER 37 C.F.R. § 1.111  
APPLICATION NO.: 09/558,598

Attorney Docket No.: Q58920

**7. Conclusion:**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Pursuant to 37 C.F.R. § 1.136, Applicants are filing a petition (with fee) for one month extension of time herewith, making this response due on or before December 29, 2003. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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